



PATENT
Attorney Docket No.: 06267.0053

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Iikka LARMA et al.)
Application No.: 09/673,794) Examiner: R. Joynes
Filed: December 20, 2000) Art Unit: 1615

MAR 25 2003
TECH CENTER 1600/2900

RECEIVED

For: CONTROLLED RELEASE PERORAL COMPOSITIONS OF LEVOSIMENDAN

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Response Under 37 C.F.R. § 1.111

This communication responds to the non-Final Office Action dated September 24, 2002. The period for response has been extended by three months to March 24, 2003, by the enclosed Petition for Extension of Time and corresponding fee. Please reconsider this application in light of the following remarks.

Remarks

I. Rejection under 35 U.S.C. § 112, second paragraph

Claims 1-17 are pending in this application. Claim 2 was rejected under 35 U.S.C. § 112, second paragraph, as indefinite in the use of the phrase "substantially completely." Claim 2 recites that the drug release controlling component in the claimed composition allows levosimendan to be released substantially completely before the composition reaches the large intestine of the host. In context, this means that levosimendan is released to an extent that any remainder in the large intestine is insufficient to produce physiologically effective levels of the metabolite (II). In light of the above, the phrase "substantially completely" should not render the claim indefinite.